

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

**LATIERRA PHILLIPS, as mother and next  
friend of LA SHUNDRA HARRIS, LA SHONE  
HARRIS, CORNELIOUS HARRIS and  
LA'WARRON PHILLIPS,**

Plaintiffs,

v.

**HOUSING AUTHORITY OF THE  
BIRMINGHAM DISTRICT, TIMOTHY  
CLARK and WASH CO.,**

Defendants.

**CIVIL ACTION NUMBER  
2:03-cv-0616-PWG**

**ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION**

On September 11, 2003, United States Magistrate Judge Paul W. Greene entered an order ruling on defendant Housing Authority of the Birmingham District's Motion to Dismiss. Pursuant to Rule 72(b) plaintiffs filed objections.

After *de novo* consideration of the record, the applicable law, Magistrate Judge Greene's order, plaintiffs' objections and briefs by the parties and *amici*, it is ORDERED that:

- (1) plaintiffs' objections are OVERRULED;
- (2) the rulings made by Magistrate Judge Greene in his September 11, 2003 order are ADOPTED as follows:
  - (a) the motion of HABD to dismiss counts I, II, III, XII and XIII is GRANTED;

- (b) the motion of HABD to dismiss counts VII, VIII, IX, X and XI is DENIED without prejudice;
- (c) the motion to dismiss counts XIV through XXIX is DENIED without prejudice to defendant's right to reassert these claims in a dispositive motion.

Done this 13<sup>th</sup> day of January, 2005.

A handwritten signature in black ink, appearing to read "U.W. Clemon", written over a horizontal line.

U.W. Clemon  
Chief United States District Judge